

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 10, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUANE WARD, an individual; and
RACHELLE WARD, an individual,

Plaintiffs,

v.

CHILD PROTECTION SERVICES, an
entity; CHILDREN'S
ADMINISTRATION, an entity;
DEPARTMENT OF CHILD, YOUTH,
AND FAMILY, an entity;
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, an entity; CITY
OF SEATTLE, an entity; CITY OF
RICHLAND, an entity; MARCO
DEOCHOA, an individual; JENNIFER
GOURLEY, an individual; KEVIN
SHARP-SMITH, an individual;
SHANNON SULLIVAN, an individual;
DAMON JANSEN, an individual and
official capacity; KATHY LUND, an
individual; LAUREN TRUSCOTT,
individual and official capacity; ROSS
HUNTER, official capacity; JODY
BECKER, individual capacity;
JENNIFER STRUS, individual
capacity; THERESA MALLEY,
individual and official capacity;
RICHLAND POLICE DEPARTMENT,
an entity; DOES 1-100,

Defendants.

No. 4:19-cv-05014-SMJ

ORDER DISMISSING CASE

1 On August 26, 2020, this Court issued an Order directing Plaintiffs to show
2 cause within 14 days as to why sanctions, including possible dismissal, should not
3 be imposed. ECF No. 93. Plaintiffs have not responded to the Order to Show Cause.
4 It appears that Plaintiffs have abandoned this case. This Court, having reviewed the
5 record and being fully informed, dismisses the case without prejudice.

6 BACKGROUND

7 On July 17, 2020, the Court sent a notice to the parties setting a telephonic
8 scheduling conference for August 25, 2020, and directing the parties to confer and
9 file a combined Rule 26(f) conference report. ECF No. 84. The combined report
10 was to be filed “*no later than 14 days before* the telephonic scheduling conference.”
11 ECF No. 84 at 1. The Court explicitly advised counsel that “[f]ailure to 1) timely
12 file the above-described combined report and/or attend the Scheduling Conference
13 will result in the imposition of **sanctions in the minimum amount of \$100.00**,
14 absent good cause shown in writing and filed with the Court.” ECF No. 84 at 4. On
15 August 11, 2020, fourteen days before the Scheduling Conference, Defendants filed
16 a report indicating that Plaintiffs had refused to participate in a joint filing. ECF No.
17 91. Additionally, Plaintiffs did not appear for the August 25, 2020 telephonic
18 scheduling conference. *See* ECF No. 92. Finally, Plaintiffs did not participate in the
19 Joint Status Report filed by Defendants on September 9, 2020, or even respond to
20 Defendants’ attempts to collaborate. *See* ECF No. 95 at 2.

DISCUSSION


Under the Local Civil Rules for the Eastern District of Washington, if “a Court-imposed deadline has expired without compliance . . . the Court may enter an order to show cause, which allows the plaintiff not less than 14 days to explain why the case . . . should not be dismissed.” LCivR 41(b)(1). Plaintiffs have not responded to the Order to Show Cause within the fourteen days allotted in the Court’s Order, ECF No. 93.

Accordingly, **IT IS HEREBY ORDERED:**

1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to show cause.
2. All previously set hearings and deadlines are **STRICKEN**.
3. The Clerk’s Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk’s Office is directed to enter this Order and provide copies to all counsel.

DATED this 10th day of September 2020.


SALVADOR MENDOZA, JR.
United States District Judge